

December 4, 2006

**I. Call to Order/Roll Call/Opening Ceremonies**

Chairman Alex Vispoli opened the meeting of the Board of Selectmen on Monday, December 4, 2006 in the Selectmen's Conference Room in the Town Offices at 6:05 p.m. Present were Selectmen Ted Teichert, Brian Major and Chairman Alex Vispoli. Selectman Mary Lyman arrived at 6:05 p.m. and Selectman John Hess arrived at 6:20 p.m. Town Manager Buzz Stapczynski was also present.

**II. Executive Session**

It was moved by Selectman Major and seconded by Selectman Teichert that the Board goes into Executive Session to discuss collective bargaining strategy with non-union personnel, potential litigation, and litigation strategy and to return to Open Session. The motion was voted and approved 3-0 by roll call vote, Selectmen Teichert, Major and Chairman Vispoli in favor. Present at the Executive Session was Town Manager Buzz Stapczynski.

There being no further business to come before the Board, a motion was duly made and seconded to adjourn the Executive Session and return to the Open Meeting at 7:05 p.m. The motion was voted and passed 5-0 by roll call vote, Selectmen Teichert, Major, Hess, Lyman, and Chairman Vispoli, in favor of the motion.

**III. Opening Ceremonies**

Upon return from Executive Session, Chairman Vispoli called the Regular Meeting to order at 7:20 p.m. Selectmen Major, Teichert, Hess, Lyman and Chairman Vispoli were present. Also present was Town Manager Buzz Stapczynski and Town Clerk Randall Hanson. The Chairman called for a moment of silence followed by the pledge of allegiance. During the moment of silence, the Manager asked to remember two long-standing members of the community that passed away last week, Jack Caswell and Fred Stott. Recording Secretary Elizabeth A. Kochakian took the minutes. This meeting was duly posted and cablecast live.

**IV. Communications/Announcements/Liaison Reports**

Town Manager Stapczynski:

- There will be a funeral/memorial service for Fred Stott at 2:00 p.m. on Saturday, December 9<sup>th</sup>, in the Cochran Chapel at Phillips Academy.
- The contract with the electrician checking the lights and reinstalling some of them on Main Street has been terminated because he didn't perform last week for them. They hired another company and they will come in tomorrow to get the lights going. In the end, they will have twenty trees lit on Main Street. He thanked the folks who contributed. He said they received a very good response from the business community and they have contributed quite a bit of money so far.
- Thanked the Andover Firefighters for a successful holiday parade. Everything worked well.
- There is a new trash device on Main Street called the Big Belly, a solar powered trash receptacle. It is about the size of a washing machine, mailbox, and has a slot in the front; you put material in it and it compresses it. It takes about five times the amount of material then a regular trash container does. They will be trying it for a month, and if successful, the Manager said they would buy it through a state grant, which comes through the Electric Company, and at no cost to the town. Chairman Vispoli said it has been brought up that the existing receptacles fill up fast and there are no recycling receptacles. It was suggested that the Recycling Committee should look into that. The Manager said they would be going out to bid for a new contract in 2008 and something they can include in the specifications, a street side recycling program.

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IV. Communications/Announcements/Liaison Reports (Cont.)

Town Manager Stapczynski (Cont.):

- The new State administration, Patrick/Murray transition team, is hard at work with meetings and hearings, etc. and there is one tomorrow in Lowell. The Manager said the Massachusetts Municipal Association has a program they are going to be promoting at the outreach meeting. They have 10 principles that they would like the new administration to keep in mind as they move forward. He said they did the same for the Romney/Healey administration when they did this kind of tour and if things haven't change, they will be revising and resubmitting them.
- The Selectmen and the School Committee will be meeting on Monday the 11th of December in the School Administration Meeting Room. They are working with the schools on a proposed agenda.

Selectman Brian Major:

- Reminded that last Friday began the parking restrictions in town and there will be no parking on the street from midnight to 6:00 p.m.

Selectman John Hess:

- There will be a tour of the Balmoral building for next Saturday, December 9 from noon to 5:00 p.m. for a fundraiser for the Balmoral Disaster Relief Fund for the people who were flooded out last May. He said there would be a \$15 donation at the door and you get to tour the building that is an architecturally significant building in town. He encouraged people to go.

Selectman Ted Teichert:

- Thanked the Firefighters and downtown businesses for both of their successful events. Regarding Verizon and Cable TV, he said a couple of neighbors have told him that town's meetings are not part of their packages right now. He wondered when it is going to happen and why it isn't on. The Manager said that is a technical problem that has to be worked out between the two providers, Comcast and Verizon. One of the provisions in Verizon's contract is that they will have the signal but it has to be worked out between them. The Manager said he would look into this further.
- The Ballardvale Christmas tree lighting was this past Sunday and he was very impressed with the turnout they had as far as the neighborhood coming out. He offered kudos to Dick Bowen and Chris Huntress and all the people involved. He said it was great to have the neighborhood come out like that.

Selectman Mary Lyman:

- Thanked the downtown merchants group. She said she did go Friday night and it was really nice. The AYS was selling ornaments and raising money for the needy. All the stores were open and she felt that the spirit of the season was present. For all the work the organizers put in, she felt they deserved a lot of credit. She said she felt bad the weather wasn't better but the downtown was just beautiful.
- Selectman Lyman also thanked the Firefighters for a terrific parade.

IV. Communications/Announcements/Liaison Reports (Cont.)

December 4, 2006 (Cont.)

Chairman Alex Vispoli:

- Echoed what Selectmen Lyman and Teichert mentioned regarding Friday night and strongly urged them to do it next year. He felt the weather did scare some folks off but it was beautiful night for a couple of hours.
- Reminded that the Andover Youth Services is now selling Christmas trees in the lot over by the West Middle School and will be through December 22, 2006.

V. Citizens Petitions and Presentations

None this evening

VI. Public Hearings

A. Verizon New England, Inc. - Continued Public Hearing

A public hearing was held to continue the hearing to hear the request of Verizon New England, Inc. requesting permission to lay and maintain underground conduits, pedestals and manholes, with the wires and cables to be placed therein, under the surface of the following public way:

- 8 Moreland Avenue - place approximately 276' of underground conduit as shown on Plan No. 398 dated October 24, 2006.

The request has been reviewed and approved by the Department of Public Works subject to the conditions that a street opening permit is obtained from the DPW prior to construction and all conduit that runs under the Moreland Avenue pavement must be installed by the directional drilling method.

No one was present from Verizon to speak on this request.

Town Clerk Hanson said she spoke to Verizon today and they told her that they couldn't send someone this evening but were hopeful that the person that wanted this done would be here. Chairman Vispoli said what was in question the last meeting was the concern of a resident that they will be using the directional drilling so the street would not be opened up. Town Clerk Hanson said that is what they have to do and it is expected to be done that way. Pat Spikers from Comcast was present and described how the work will be done. He said it does not hurt the asphalt whatsoever.

Ms. Hanson mentioned that they are finding a number of these projects involve several different groups that all require public hearings. She said she didn't mind sending abutters notices but the problem is that the abutters have to come to several hearings and the process is getting more and more complicated. After a discussion on this, Ms. Hanson said she would work with engineering to streamline the process. On customer service, Mr. Spikers offered a suggestion. He said if they have existing plant already in the ground and trying to repair something it is time consuming to have to come to these meetings to get something fixed and would like to see a shortcut process to get something done. Chairman Vispoli said that maybe they can come forth with a more streamlined process that meets everyone's objectives. Selectman Major said he would volunteer to facilitate a session with representatives from each of the different utilities as well as their town folks and come back with recommendations.

VI. Public Hearings (Cont.)

December 4, 2006 (Cont.)

A. Verizon New England, Inc. - Continued Public Hearing (Cont.)

The Manager commented here that he thought this was not an accepted street. Ms. Hanson said DPW would not have allowed this to come thus far if it was not an accepted street but will check on it.

It was moved by Selectman Lyman that the Board approve the above request for 8 Moreland Avenue contingent on the fact that it is a publicly accepted street and they will be using directional drilling. The motion was seconded by Selectman Teichert, voted and approved 5-0.

B. Comcast

A public hearing was held to hear the request of Comcast for permission to construct a line of underground broadband conduits, including the necessary sustaining and protecting of fixtures, under and across the following public way:

- 8 Moreland Avenue - remove overhead wire and install new underground conduit, transformer pad and hand hole as shown on Plan WO#1111625 dated August 23, 2006.

The request has been reviewed and approved by the Department of Public Works subject to the conditions that a street opening permit is obtained from the DPW prior to construction and all conduit that runs under the Moreland Avenue pavement must be installed by the directional drilling method.

Pat Spikers from Comcast was present to answer questions.

It was moved by Selectman Lyman that the Board move approval with the condition that Moreland Avenue is a publicly accepted street and they will be using directional drilling. The motion was seconded by Selectman Major, voted and approved 5-0.

C. Storage of Inflammable License

A public hearing was held to hear the request for 123 Tewksbury Street Andover LLC, 123 Tewksbury Street, Andover, for permission to keep and store a total of 3,000 gallons of inflammable products at 123 Tewksbury Street as follows:

- Above ground - 3,000 gallons of propane
- Below ground - none

The application has been reviewed and approved by the Fire Department and Town Clerk and is subject to the condition that all other requirements of the Town are met prior to the issuance of the license.

John Leary representing 123 Tewksbury Street Andover LLC, appeared before the Board and explained the request. He said that presently they have a 2,000-gallon permit on site. The tenant in the front building needs a tank for hot water purposes. Therefore, they need a permit for the additional capacity.

VI. Public Hearings (Cont.)

December 4, 2006 (Cont.)

C.     Storage of Inflammable License (Cont.):

After a discussion, it was moved by Selectman Hess and second by Selectman Lyman to approve the above request for 123 Tewksbury Street Andover LLC. The motion was voted and approved 5-0.

VII.   New Business

A.     Change of Manager Requests

a.     The Board considered the request of Brinker Massachusetts Corporation, d/b/a Chili's Grill & Bar, 131 River Road, Andover, for a change of Manager on their All-Alcoholic Restaurant license from Michael Morrill to Michael Cronin. This request has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the licenses.

Michael Cronin appeared before the Board and spoke on this request. When asked, he told the Board about his past experience in managing a bar. Mr. Cronin said he has been TIP trained and every member of the staff is being recertified and trained as well. As to his policy in serving minors, Mr. Cronin said they card everyone 100%.

After all discussion, it was moved by Selectman Hess that the Board approve the above request. The motion was seconded by Selectman Teichert voted and approved 5-0.

b.     The Board considered the request of Wild Oats of Massachusetts, Inc., d/b/a Wild Oats Market, 40 Railroad Avenue, Andover, for a change of Manager on their Wine & Malt Retail Package Store license from Robert Meserve, Jr. to Debra A. Emma. This request has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the licenses.

Debra A. Emma was present at the meeting and came before the Board to speak on this request and to answer questions. She explained her background and told the Board she was not TIP trained. Selectman Lyman said that is what they look for. Ms. Emma said she would be happy to take that class. She assured they had policies and procedures in place to prevent selling liquor to minors and every cashier has to sign an affidavit. She said she has had no previous experience managing liquor sales and that Wild Oates of Massachusetts in Andover was the only store in the state that sells liquor. Selectman Major said they can't make TIP's training a requirement but would encourage as many of her staff possible to take it. He said it was important for controlling how you sell liquor. Town Clerk Hanson said she would direct Ms. Emma where to have the training.

After all discussion, it was moved by Selectman Major to approve the above request for Wild Oates with the condition that the Manager and as many of employers as possible actually take the TIP's training. The motion was seconded by Selectman Lyman, voted and approved 5-0.

VII.   New Business

B.     Presentation on Proposed GIS Fees

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GIS Coordinator Laura DeGroot appeared before the Board to discuss the proposed GIS fees outlined in her memo to the Manager dated 11/15/06. Ms. DeGroot gave a brief history of the mapping project. She said that in April 1998, the town was reflowed for a trip-mapping project and by 2001, they had base map layers. As part of that project, they had their parcel tax maps developed digitally and scanned, put the wetland maps in and had those digitized and overlaid that layer. She said the aerial photography is digital, black and white. Since that time they have had a number of flyovers, the last one being 2002. They have since developed zoning, precincts, historic districts, etc. on top of that information and are constantly updating the data. Ms. DeGroot said that every year they worked on parcel changes and added zoning changes and are using GIS mapping for drainage studies. In 2004, they set up a public GIS website where they took most of this information and it is now available to the public.

In response to the Town Manager as to the possibilities of purchasing their generated data, Ms. DeGroot compiled information on what other communities charge for GIS data and maps. In Massachusetts, she said you can't make money off of selling this data, but they can sell it for the cost to put it together. In her memo to the Manager, Ms. DeGroot included surveys done over the years by other communities as well as a survey of the costs of GIS data, and also collected information what towns are selling their hard copy maps for.

Ms. DeGroot said she is recommending charging a flat fee per CD of \$75 and \$100 for a DVD. Presently, she said they just provide this information internally and don't charge for that. They have been selling their zoning, street and precinct maps through the Collector's office for \$15 per map. Today, Ms. DeGroot said anyone could create the map they want on the web and use that at no cost. However, now, someone would buy one of these to have a higher quality map for, i.e., a presentation.

The Manager said he has been approached by contractors wanting this information for private work but they have not been able to give it to them because they didn't have the structure to do it. However, the information is available from the Planning Division or on line. In answer to Chairman Vispoli, Ms. DeGroot said it has cost approximately \$700,000 to date. She said it did cost a lot of money but she felt their return for doing this is good. They have better information so that when a citizen wants to know where the wetland is, they will have actual photographs on which to base the maps on. As to the accuracy of the parcels, they are not survey quality parcels.

Ms. DeGroot then outlined all the information they were working on. She said they are recommending a flyover every 10 years. The State will be collaborating with towns within the State to do a flyover with as many towns that can get involved. Chairman Vispoli asked about liability. Ms. DeGroot said they have a disclaimer form approved by Town Counsel. As to the pricing and shipping charges, Ms. DeGroot said that would be based on the actual cost to them and if that is something they want to do. She said there is no credit card purchases through their web site.

**VII. New Business (Cont.)**

**B. Presentation on Proposed GIS Fees (Cont.)**

After all discussion, it was moved by Selectman Lyman, that the Board

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approve charging a flat fee for the GIS cd for \$75 or DVD for \$100; and to assign appropriate shipping and handling costs anywhere in the vicinity of \$1.50/diskette, \$5/cd or actual cost should it exceed that and the maps as printed in the schedule. Selectman Hess seconded the motion.

On discussion of the motion, Selectman Major was concerned that the fees may be too high. Ms. DeGroot said she felt comfortable with the numbers that were based on survey information from other towns. Selectman Lyman said she felt they should leave the proposed fees as recommended and if they find they are wrong they will readdress it. The motion was voted and approved 5-0.

Ms. DeGroot then made a Power Point presentation starting with the home page and explaining some of the features on it and how to get background information from the site. She said they have a contract with Camp Dresser to develop the Intranet site right now. She called on them because the software package was very complicated and she had a problem with it. She then showed how to work with the GIS site, how to find a parcel, etc. When finished with her presentation, the Manager congratulated Ms. DeGroot for all the work she has done over the years on this. He said she is the sole maintainer of the system. Ms. DeGroot said the system is available at the library for the public.

C. Bid for Short-Term Borrowing

Collector Treasurer David Reilly appeared before the Board to speak on this request. He said they will permanently borrow this for next December and have a pretty good rate and will save a little money long term.

It was moved by Selectman Major that the Board approve the bid of \$7,220,000 due December 7, 2007, for the following projects:

Article 41, 1999	Sewer	\$3,998,000
Article 20, 2003	Water Treatment Plant	1,472,000
Article 35, 2004	Sewer	1,250,000
Article 34, 2005	Water Treatment Plant	500,000
		<u>\$7,220,000</u>

and that it be awarded to the low bidder of Fidelity Capital at 3.5287% The motion was seconded by Selectman Hess, voted and approved 5-0.

D. River Road Terrace

The Manager explained the request to accept and sign the deed for the donation of land at 0 River Road Terrace as approved at the 2005 Annual Town Meeting. He said the owner offered this to them and they took advantage of the property owner. He said it will be an advantage to require it and that the property is clean.

It was moved by Selectman Major and seconded by Selectman Hess that the Board accepts and signs the deed for the donation of land at 0 River Road Terrace as approved at the 2005 Annual Town Meeting. The motion was voted and approved 5-0.

VII. New Business (Cont.)

E. Disclosure of Financial Interest

The Manager said this situation came up 10 years ago. At that time two firefighters who were town employees on their own time were plowing for a private

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contractor. When the Town discovered it, they said they needed to have a disclosure of financial interest that they have a contract through a private contractor working for the town. This has come up again with this gentleman, Mr. Ferris, who has been plowing for over five years and working as a painter as well. They want to have him covered so that in the event he gets called to plow on his own time or paint; he will then have a legal contract to plow snow. He is full time but not permanent, uses his own vehicle, and has to maintain his own insurance.

After all discussion, it was moved by Selectman Hess that the Board approve this exemption from Section 20b. The motion was seconded by Selectman Major, voted and passed 5-0.

VIII. Approval of Consent Agenda Items

A. Appointments and Re-appointments

It was moved by Selectman Lyman that the Board approve the following appointments by the Town Manager:

DEPARTMENT	POSITION	RATE	EFF. DATE
<u>TOWN CLERK</u>			
Susan Phieffer	Pollworker - PT	\$7.00/hr.	12/5/06
Charlotte Taylor	Pollworker - PT	\$7.00/hr.	12/5/06
Bruce Taylor	Pollworker - PT	\$7.00/hr.	12/5/06
John O'Rourke	Pollworker - PT	\$7.00/hr.	12/5/06

Selectman Teichert seconded the motion. With no objections, the motion was voted and approved 5-0.

It was moved by Selectman Lyman that the Board approve the following appointments by the Town Manager:

COUNCIL ON AGING

Chris Sintros - Term to expire 6/30/08  
(v. D. Bresnahan)

Selectman Hess seconded the motion. With no objections, the motion was voted and approved 5-0.

VIII. Approval of Consent Agenda Items (Cont.)

B. One-Day Beer & Wine Licenses

a. Kim Stamas

It was moved by Selectman Teichert that the Board approve the request of Kim Stamas on behalf of the Town of Andover Independent Employees Association,



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Town Offices, 36 Bartlet Street, Andover, for a one-day beer & wine license for use on Thursday, December 14, 2006 from 4:30 P.M. to 8:30 P.M. at the Phillips Academy Log Cabin for the Employee Christmas Party, and also

b. The request of Kim Stamas on behalf of the Town of Andover Division of Community Services, Town for a one-day beer & wine license for use on Saturday, February 3, 2007 from 7:00 P.M. to 11:00 P.M. for the Snowflake Ball at the Town House.

Both requests have been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the licenses.

The motion was seconded by Selectman Lyman, voted and approved 5-0.

C. Requests for Extended Hours

It was moved by Selectman major that the following All-Alcoholic Beverage licensees have permission to extend their closing hours on Sunday, December 31, 2006 and be able to serve alcoholic beverages until 1:30 A.M. on Monday, January 1, 2007:

The Andover Inn  
Glory Restaurant  
Indian Ridge Country Club

The requests have been reviewed and approved by the Police Department subject to the conditions that last call be held at 1:00 A.M. and all patrons are to be off of the premises by 1:30 A.M.

The motion was seconded by Selectman Lyman, voted and approved 5-0.

D. Annual License Renewals

It was moved by Selectman Hess that the Board approve the attached 2007 annual list of license renewals for Alcoholic Beverage, Common Victualler, Automatic Amusement/Live Entertainment, Class I and II and Lodging as presented by the Town Clerk for 2007. The applicants have filed all of the necessary paperwork and payments and have complied with all of the State and Town department conditions necessary for renewal.

The motion was seconded by Selectman Major, voted and approved 5-0.

The Manager said that Ms. Hanson and her crew are to be commended because it is a horrendous task every year to pull this together. Ms. Hanson also commended her assistant Cathy McKenna for that work. Chairman Vispoli also expressed his thanks to the whole department for putting this together.

IX. Approval of Minutes from Previous Meetings

It was moved by Selectman major and seconded by Selectman Hess that the Board approve the minutes of the November 20, 2006 - Regular Meeting. The motion was voted and approved 5-0.

It was moved by Selectman Major and seconded by Selectman Hess that the Board approves the minutes of the November 27, 2006 - Tri-Board Meeting. The motion was voted and approved 5-0.

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X. Adjournment - 9:50 P.M.

Before adjourning the Manager said the Selectmen are invited to attend the Town Employees Holiday Party to be held at the Log Cabin, Phillips Academy, on Thursday, December 14, 2006.

With no further business for the Board, it was moved by Selectman Major that the Board close the Regular Meeting of the Board at 9:50 p.m. The motion was seconded by Selectman Lyman, voted and approved 5-0.

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Elizabeth A. Kochakian  
Recording Secretary